

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

Appl. No.10/625,149 : Confirm. No. 8274
H. Downman McCarty, II :
Brooke Schumm III
Peter Popper, Applicants : Examiner: O. Flores Sanchez
Filed: July 23, 2003 : Group Art Unit 3724

**For: AN ANTI-SPALLING COMBINATION ON AN IMPACT TOOL
WITH AN IMPROVED HOLDING SYSTEM**

Honorable Commissioner of Patents and Trademarks
Mail Stop Patent Application, P.O. Box 1450
Alexandria, VA 22313-1450

CONTINUATION AND PRIORITY DATA

Continuation in part of PCT/US02/23448 and entry into the national stage of
PCT/US02/23448, continuation in part of U.S. provisional applications 60/307,198 filed
on July 23, 2001, and 60/356,804 filed on February 13, 2002

**SUPPLEMENT TO
RESPONSE TO NOTICE OF 13 AUGUST 2008
RE: (AMENDMENT TO
SECOND SUPPLEMENT TO
RESPONSE TO OFFICE COMMUNICATION
REPLYING TO NOTICE OF NON-COMPLIANT AMENDMENT OF 07/09/2008)**

The examiner is thanked for his courtesy and guidance. Claims 1-142 which were previously withdrawn, are now cancelled as one group, and they are not reprinted. The “mark-up” is as previously filed with the requested change. Claims 164-175, previously withdrawn, are now cancelled as one group, and they are not reprinted. The Office had previously advised that it is charging with my consent a multiple dependent claim fee of \$185 to my deposit account. The claims shown in clean format have been requested to be deleted by a phone call from the Office.

As before, and as stated in the prior filed Second Supplement, the Response to Office of Communication of July 5, 2007 filed on or about November 19, 2007 in this application is adopted by reference.

The response of February 7, 2008 is adopted herein except that the amendments are presented as requested.

The Office is thanked for its courtesy.

Summary of Amendments to the Claims

Claims 1-122 are cancelled. Applicant has retained the right to present the method claims set out in claims 118-122 in a divisional application, and preserves the right to present the unelected claims. New claims numbered 123-142 were presented in the prior office action, and those Claims 123-142 are cancelled, though the right to present other species in a divisional application is reserved.

Claims 143-175 were presented as new claims in Applicants' preceding response to an office action.

Claims 164-175 are withdrawn with the reservation of rights to present them in a divisional application.

Respectfully,

/s/ /Brooke Schumm III /
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I certify I caused the above to be filed electronically in the USPTO this 2nd day of September, 2008.

/Brooke Schumm III/ /s/ Brooke Schumm III